

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of	)	
	)	
Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band	) ) )	PS Docket No. 06-229
Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010	) ) ) ) ) ) ) )	WT Docket No. 96-86

**COMMENTS OF METROPCS COMMUNICATIONS, INC.**

MetroPCS Communications, Inc. (“MetroPCS”),<sup>1</sup> by its attorneys, hereby respectfully submits its comments in response to the *Ninth Notice of Proposed Rulemaking*, FCC 06-181, released December 20, 2006 (the “*NPRM*”)<sup>2</sup> in the above-captioned proceedings. The following is respectfully shown.

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<sup>1</sup> For purposes of these Comments, the term “MetroPCS” refers to the parent company (MetroPCS Communications, Inc.) and all of its FCC-licensed subsidiaries.

<sup>2</sup> See Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, WT Docket No. 96-86, *Ninth Notice of Proposed Rulemaking*, FCC 06-181 (rel. Dec. 20, 2006), 72 Fed. Reg. 1201 (Jan. 10, 2007).

### **The Public Interest Will Be Served by Pursuing the Commission Proposal**

MetroPCS applauds the Commission's initiative in proposing to "allocate 12 MHz of the 700 MHz public safety spectrum from wideband to broadband use."<sup>3</sup> There is a need for an interoperable broadband network for first responders and the proper place to deploy this network is in the existing 24 MHz of 700 MHz spectrum already earmarked for public safety uses. As shown in the 9/11 Commission Report, the lack of an interoperable network can hinder emergency relief efforts - - and perhaps cost lives. As demonstrated by the Criterion Economics Report on "Improving Public Safety Communications: An Analysis of Alternative Approaches,"<sup>4</sup> the 12 MHz identified by the Commission is adequate to accommodate a broadband interoperable public safety network that should be sufficient to meet the public safety communities' needs.

In earlier comments in response to the Cyren Call proposal to reallocate 30 MHz of spectrum from commercial to public safety uses,<sup>5</sup> MetroPCS took the

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<sup>3</sup> *NPRM* at para. 4.

<sup>4</sup> Criterion Economics, "Improving Public Safety Communications," Peter Cramton, Thomas S. Dombrowsky, Jr., Jeffrey A. Eisenach, Allan Ingraham, and Hal Singer, February 6, 2007 ("Criterion Report").

<sup>5</sup> MetroPCS Comments at 4-8, Petition for Rulemaking of Cyren Call Communications Corporation, RM-11348, filed April 27, 2006. ("MetroPCS Comments"). The procedure in that docket of taking comments on a proposal which has already been dismissed for lack of jurisdiction was unusual. Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use; Assignment of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) to the Public Safety Broadband Trust for Deployment of a Shared Public Safety/Commercial Next Generation Wireless Network, *Order*, RM No. 11348 (rel. Nov. 3, 2006). However, MetroPCS submitted its comments because of the importance of retaining the 30 MHz of 700 MHz spectrum already allocated for commercial uses and the need to address certain aspects of Cyren Call's proposal.

position that the proper spectrum in which to establish an interoperable broadband network was the 24 MHz of allocated but unused public safety. The Criterion Report supports the view that “10 MHz is sufficient for traditional commercial wireless networks to operate over an extensive population of users, and that a network only requires 2.5 MHz of paired spectrum to provide broadband data rates.”<sup>6</sup> Therefore, the 12 MHz proposal by the Commission should be adequate, as it is 20% more than then that found sufficient by the Criterion Report and almost five times that the Criterion Report found required to provide broadband data rates.

The operating experience of MetroPCS also supports this conclusion. In Detroit and Dallas, MetroPCS is providing service with only 10 MHz of spectrum.<sup>7</sup> Nonetheless, MetroPCS has managed to implement state-of-the-art broadband networks that provide both voice and data services and are enjoying rapid customer acceptance. These networks are supporting a number of users in just these two cities that serve a considerable portion of the likely number of first responders that would be the priority users of an interoperable broadband public safety network. Indeed, 10 MHz would allow all first responders to use this network exclusively, rather than use existing systems.<sup>8</sup>

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<sup>6</sup> Criterion Report at 31.

<sup>7</sup> MetroPCS currently has 20 MHz of spectrum in Dallas and Detroit (10 MHz of PCS spectrum and 10 MHz of AWS spectrum), but is currently using only the 10 MHz of PCS spectrum to provide service.

<sup>8</sup> One of the most important aspects of a nationwide interoperable network is that all first responders use it all the time to ensure they know how to use it when emergencies strike and to make sure the equipment is always ready for use.

Other operating experiences also support the Commission proposal to implement the interoperable broadband public safety network within the existing allocation. Public safety networks in both the regions of New York City and Washington, DC demonstrate that interoperable broadband networks can be deployed using even less than the 12 MHz of spectrum contemplated here by the Commission.<sup>9</sup>

At present, 99.7 MHz of spectrum is allocated for public safety use.<sup>10</sup> Based on recent reports, nearly 2/3rds of this spectrum -- including the 24 MHz in the 700 MHz band and 50 MHz in the 4.9 GHz band -- is largely unused today, and is, or soon will be, available to meet the needs of public safety agencies.<sup>11</sup> If public safety entities utilize this currently allocated spectrum in an efficient way, they should be able to fulfill their communications needs. Indeed, the Criterion Report demonstrated that “public safety will have nearly 35 times the spectrum, on a per user basis, than the average nationwide wireless carrier does now.”<sup>12</sup>

The Commission proposal also benefits from the fact that Congressional action will not be required in order for the Commission to allocate and license the spectrum. The Commission previously dismissed without action the Cyren Call proposal to reallocate commercial spectrum to public safety use because the Commission properly recognized that it lacked the statutory authority to grant the

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<sup>9</sup> Criterion Report at 31.

<sup>10</sup> *Id.* at 20-21.

<sup>11</sup> *Id.* at 19-21.

<sup>12</sup> *Id.* at 30.

relief Cyren Call was requesting.<sup>13</sup> While Cyren Call has continued to challenge this Commission action,<sup>14</sup> Cyren Call has recognized in public comments that Congressional action may be necessary to implement its plan.<sup>15</sup> In the face of continuing evidence regarding the need to implement an interoperable broadband public safety network sooner rather than later, the Commission plan to accomplish this within the existing public safety allocation clearly is correct.<sup>16</sup>

The proposal in the *NPRM* represents an important step toward optimizing the use of the public safety band. The proposal provides public safety service providers with the regulatory framework needed to establish interoperable broadband networks in this 12 MHz of the 700 MHz Band, and explores some options for public safety to finance this network. The Commission should adopt a *Report and Order* allocating 12 MHz of the 700 MHz public safety spectrum from wideband to broadband use.

Respectfully submitted,

**MetroPCS Communications, Inc.**

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<sup>13</sup> Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use; Assignment of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) to the Public Safety Broadband Trust for Deployment of a Shared Public Safety/Commercial Next Generation Wireless Network, *Order*, RM No. 11348 (rel. Nov. 3, 2006).

<sup>14</sup> Public Notice, Petition for Reconsideration of Action in Rulemaking Proceeding, February 2, 2007 by Cyren Call Communications Corporation, of Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use; Assignment of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) to the Public Safety Broadband Trust for Deployment of a Shared Public Safety/Commercial Next Generation Wireless Network, *Order*, RM No. 11348 (rel. Nov. 3, 2006).

<sup>15</sup> Reply Comments of Cyren Call at 2, Petition for Rulemaking of Cyren Call Communications Corporation, RM-11348, filed April 27, 2006.

<sup>16</sup> As MetroPCS indicated in its earlier comments on the Cyren Call proposal, Cyren Call has failed to establish that the needed system cannot be established within the existing allocation. MetroPCS Comments at 6-8. Further, it is important that the Commission take this action before public safety users are licensed for different, non-broadband, uses.

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